



Analyzing the Al-Hassan Case from the perspective of International Humanitarian Law

- Diya Runwal (II B.A.LL.B)

The Al Hassan case before the International Criminal Court (ICC) stands out as one of today's most closely scrutinized proceedings from the perspective of International Humanitarian Law.

The non-international armed conflict (NIAC) began in 2012 in Mali. During that period, from the beginning of January 2012 to 17 January 2013, the city of Timbuktu was allegedly under the control of the armed groups Al-Qaeda in the Islamic Maghreb ("AQIM") and Ansar Eddine, associated with AQIM and have committed serious abuses against the local population while enforcing their interpretation of Sharia, or Islamic law.

Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, known as Al Hassan, the de facto chief of the Islamic police, was a member of Ansar Eddine, and was involved in the work of the Islamic court in Timbuktu and participated in executing its decisions. He is alleged to have played a prominent role in the commission of crimes and religious and gender-based

persecution by those armed groups against the civilian population of Timbuktu, which violates the principle of distinction in IHL which requires that the parties to an armed conflict distinguish at all times between civilians on one hand, and combatants and military on the other.

The Prosecutor alleged that, Al Hassan played a crucial role in enforcing the harsh interpretation of Sharia law imposed by Ansar Dine and AQIM and widespread and systematic attack within the meaning of Article 7(1) of the Rome Statute was carried out against the civilian population, those who do not adhere to their extremist religious views. The policies enforced by Al Hassan systematically targeted women through systematic use of sexual violence, led to repeated rapes and sexual enslavement of women and girls in Timbuktu, including the practice of forced marriages, and this amounted to gender-based persecution, a crime against humanity under the Rome Statute. Passing of sentences without previous judgment pronounced by a regularly constituted court affording all judicial guarantees

News at a Glance

The Human Rights Commission of Pakistan (HRCP) has raised alarms over the worsening security situation, rampant human rights abuses, and political dysfunction in Balochistan. The HRCP highlighted ongoing enforced disappearances, extrajudicial killings, and severe restrictions on freedom of expression and assembly, with journalists facing intimidation from various factions. Human Rights Watch (HRW) echoed these concerns, urging restraint from the Pakistani government in managing unrest and criticizing the arrest of peaceful protesters and internet blockages. Balochistan, covering nearly half of Pakistan, has experienced decades of conflict, fueled by heavy-handed military tactics and ethnic tensions, with calls for a negotiated political solution growing stronger. For more information, see [here](#).



which are generally recognized as indispensable, intentionally directing attacks against buildings dedicated to religion and historic monuments.

The Defense argued that Al Hassan was acting under duress from Ansar Dine leaders and would have faced imminent threat of death and injury from Ansar Dine had he renounced his position in the Islamic Police. Al Hassan did not have the financial means to relocate, nor could he undertake a dangerous exile to leave Ansar Dine and hence had no choice but to comply with the orders of his team leaders. The defense also alleged that Al Hassan was unaware that his actions were illegal under international law, and acted under the belief that his actions were legitimate according to the Sharia laws imposed by Ansar Dine, which, in his view, had authority over Timbuktu during the occupation. This argument aimed to show that Al Hassan did not have requisite mens rea to be held criminally responsible. Then the defense also challenged the jurisdiction of the ICC over this case by arguing that the conflict in Mali was a non-international armed conflict (NIAC) and not an international one.

Lastly, the defense argued that while Al-Hasan's role in certain crimes, such as sexual assault and forced marriage, was minimal, or not. They claimed that due to the lack of direct evidence, prosecutors failed to prove beyond a reasonable doubt that Hasan personally participated in or ordered the crime..

The court dismissed the defense's argument that Al Hassan acted under duress. The judges found that although Al Hassan operated within a coercive environment, there was no evidence to suggest that he was forced to carry out the specific actions for which he was convicted. Thus, in line with the Ongwen jurisprudence, the Majority considers that a claim of 'duress is unavailable if the accused is threatened with [death] or serious bodily harm that is not going to materialize sufficiently soon'. Instead, the court concluded that Al Hassan voluntarily participated in the enforcement of policies that led to severe human rights violations.

Critically, the Chamber, and in relation to mistake of law regarding acts of flogging, the Majority, noted that the Defense's arguments in relation to Al

News at a Glance

Press freedom organizations and human rights groups have collectively urged the EU to address media freedom violations by Israeli authorities. In a letter signed by the Committee to Protect Journalists (CPJ) and 59 other organizations, including Human Rights Watch, the coalition called on the EU to demand that Israel protect journalists, uphold press freedom, and ensure accountability. They also urged the suspension of the EU-Israel Association Agreement and the imposition of sanctions on the Israeli Defense Forces (IDF). The letter highlighted the targeting and killing of journalists, restricted media access to Gaza, and the ongoing impunity for such actions. The coalition called for the release of detained Palestinian journalists and transparent investigations into media freedom violations. For more information, see [here](#).



Hassan's alleged mistakes of facts or law were general assertions about Al Hassan's circumstances and experiences and the Defense failed to identify the specific mistakes of fact or law alleged or how Al Hassan's circumstances and experiences negated the requisite mental elements.

Nothing in the Chamber's, or where relevant the Majority's, understanding of Al Hassan's lived experiences, circumstances and knowledge of pre-existing conditions in Timbuktu negated the requisite mental elements necessary to find Al Hassan criminally liable for his conduct. The Chamber thus concludes that no mistake of fact constitutes a ground for excluding criminal responsibility. Thus, the Chamber finds that Al Hassan's possible lack of knowledge that criminal liability, under the Statute, attached to his conduct is not a ground for excluding his criminal liability under Article 32(2), of the Statute. The ICC ruled that it does have jurisdiction over the case. The court's reasoning was that rejecting jurisdiction simply because the conflict was a NIAC would undermine the ICC's purpose, which is to combat impunity for grave crimes.

This decision is consistent with IHL, which seeks to protect all individuals, including those who are not actively participating in hostilities, during any type of armed conflict. In the joint judgment, all three judges penned an individual opinion, evincing sharp divisions on the Bench: a conviction on some charges by Judge Kimberly Prost and Judge Tomoko Akane, and a full acquittal by Judge Antoine Kesia-Mbe Mindua.

For the foregoing reasons and on the basis of the evidence submitted and discussed before this Chamber at trial and the entire proceedings, pursuant to Article 74 (2) of the Statute, Trial Chamber X of the ICC On 26th June 2024, by majority, convicted Al Hassan for crimes against humanity of torture, persecution and other inhumane acts and war crime of cruel treatment of outrages upon personal dignity, mutilation and passing of sentences without previous judgement pronounced by a regularly constituted court, under Articles 7 (1) (f), 7 (1) (k), 7 (1) (h), 8 (2) (c) (i), 8 (2) (c) (ii), and 8 (2) (c) (iv) of the Rome Statute. However, he was acquitted of the war crimes of rape, sexual slavery, intentionally directing attacks

News at a Glance

The Verkhovna Rada of Ukraine has ratified the Rome Statute of the International Criminal Court (ICC), officially making Ukraine a state party to the treaty. The bill, introduced by President Volodymyr Zelenskyy, received overwhelming support with 281 deputies voting in favor. Ukraine initially signed the Rome Statute in 2000 but only now ratified it, having previously allowed the ICC jurisdiction within its territory through special declarations in 2014 and 2015. Foreign Minister Dmytro Kuleba stated that this move underscores Ukraine's commitment to international justice and strengthens its efforts to hold Russia accountable for atrocities. The ratification is also a key step toward Ukraine's EU membership aspirations, aligning with the requirements of the EU-Ukraine Association Agreement. Since Russia's full-scale invasion in 2022, the ICC has launched investigations into war crimes in Ukraine, leading to arrest warrants for Russian President Vladimir Putin and another official. For more information, see [here](#).



against protected objects, crime against humanity of persecution, on religious grounds, and other inhumane acts in the form of forced marriage on account of absence of evidences beyond reasonable doubt.

The ICC relied on both treaty-based IHL (such as the [Geneva Conventions](#)) and Customary International Law ([CIL](#)) to determine the legality of actions taken by Ansar Dine in Timbuktu. This is the first ICC case litigating crimes against humanity in northern Mali, marking an important step towards justice and accountability for mass atrocities committed in the country, and for holding leaders of armed groups accountable for enforcing discriminatory practices even under the auspices of ideological or religious justifications, and the legal responsibilities of non-state actors in conflict zones but there are also some [deficiencies](#) in the judgment, as ICC judges did not convict Al Hassan of any gender based crimes, crimes against humanity of forced marriages, sexual slavery, rape. Although the court [recognized](#) the existence of some of these crimes, it found there was insufficient evidence linking them to the accused.

The judgment has been criticized for its limited application of IHL provisions that could have further contextualized the crimes. The indictment of gender-based abuse under Article 7(1)(h) of the Rome Statute was a noteworthy accomplishment, but the judgment did not completely investigate how these wrongdoings intersected with the broader IHL framework, especially concerning the security of civilians and the prohibition of cruel treatment under the Geneva Conventions. While the case emphasized gender-based persecution, other serious IHL violations, such as torture and inhumane treatment, were not as unmistakably addressed. The broader application of [Common Article 3](#) of the Geneva Conventions, which forbids violence to life and individuals, could have given a more complete picture of the violations committed by Al Hassan. By doing so, the verdict fails to recognize the seriousness and impact of gender based crimes as a crime against humanity.

Other provisions of IHL that could have been applied are Articles 27 and 147 of the Fourth Geneva Convention.

[News at a Glance](#)

A new law in Australia now grants employees the right to disconnect from work outside of contracted hours, effective for non-small businesses as of Monday. This law allows employees to refuse to monitor or respond to work-related communications after hours unless such refusal is deemed unreasonable, with factors such as the reason for contact and the employee's responsibilities considered. The Fair Work Commission (FWC) will handle disputes over refusals and plans to issue guidelines on this right, which aims to reduce unpaid work hours and improve mental health. The law will extend to small businesses in August 2025. For more information, see [here](#).



Article 27 emphasizes the protection of women, especially against rape, enforced prostitution, and any form of indecent assault, which could have been more explicitly invoked to highlight the broader obligations of occupying forces and article 147 addresses grave breaches, including willful killing, torture, and inhumane treatment. This provision could have underscored the severity of Al Hassan's actions. Though with certain limitations, this is a landmark case that illustrates the intersection of IHL and Customary International Law (CIL).

Following the Al Hassan case, there have been significant developments in ICC jurisprudence that highlight the gravity of such crimes such as, the ongoing investigation in Afghanistan, authorized by the ICC Appeals Chamber in 2020, has revealed targeted gender-based persecution by the Taliban and affiliated groups. In Nigeria, the ICC's ongoing examination of crimes committed by Boko Haram and Nigerian security forces has also identified potential gender-based persecution, this includes the targeting of schoolgirls, the use of girls as suicide bombers, and the forced conscription of boys into armed groups.

The Prosecutor's office has recognized these as acts of persecution based on gender, highlighting the specific vulnerabilities of both women and men under such regimes.

The Dominic Ongwen Case and the ICC's evolving approach to Gender-Based Crimes

- Kaveri Nanduri (II B.A.LL.B)

Gender-based crimes include sexual, reproductive, and other forms of gender violence such as rape, forced pregnancy, forced sterilization, and sexual threats among other crimes. These have occurred for centuries in armed conflicts as seen in the Rwandan Genocide, Bosnian War, and World War II as a war strategy to intimidate civilians, extract information, and humiliate communities. Many challenges are faced in achieving justice for such gender-based crimes as International Courts face jurisdictional issues in prosecuting them, domestic courts may lack a specific national legal framework for criminalizing these crimes, and there are many complexities in establishing the responsibility of political leaders for the gender-based crimes committed by their subordinates persist.

News at a Glance

As the second anniversary of the UN's critical report on Xinjiang nears, Human Rights Watch (HRW) has condemned China for continuing to commit crimes against humanity against Uyghurs and other Turkic Muslims in the region. HRW's associate China director, Maya Wang, called for intensified pressure from the UN and its member states to end these abuses, which include arbitrary detentions, family separations, and cultural suppression. UN High Commissioner for Human Rights Volker Türk also acknowledged the lack of progress in Xinjiang, urging China to release those arbitrarily detained. A recent Yale University report highlights "racialized atrocity crimes" against Muslim minorities in China, prompting HRW to urge action during the upcoming Human Rights Council session. For more information, see here.



However, the recent landmark case of Dominic Ongwen before the International Criminal Court (ICC) and also the release of ICC's new Gender-Based Crimes Policy (GBC) in December 2023 offer a ray of hope in the fight for justice for victims of gender-based crimes.

In 2022, the ICC passed its judgment in the Dominic Ongwen case where it found Ongwen, a former child soldier, who later became one of the commanders in the Lord's Resistance Army (LRA) of Uganda, guilty of 61 war crimes and crimes against humanity, which included 19 gender-based crimes. The Ongwen case is a landmark case because it was the first time where an international court considered forced pregnancy as a separate crime - as a war crime and also as a crime against humanity, under Article 8 (2)(vi) and Article 7 (1)(g) of the Rome Statute. Ongwen is also the first person declared guilty of the crime of forced marriage as a distinct crime of inhumane act under article 7(1)(k) of the Rome Statute and, most importantly, he is also the first abducted child soldier who was found guilty for the commission of the very same crimes that he had also once suffered.

Apart from this, Ongwen was also convicted of the gender-based crimes committed by the soldiers under his command as he regularly distributed girls and women as wives to them. Although gender-based crimes are recognized as serious crimes under the ICC's Rome Statute, there has not been clear elaboration on forced pregnancy and forced marriage under the court's jurisprudence. This was seen in the Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui where forced marriage was only charged as sexual slavery. Also, the ICC's 2014 Policy Paper on Sexual and Gender-Based Crimes remains silent on this crime of forced marriage. However, the bench in "the" Ongwen case stated that forced pregnancy violates the victim's reproductive autonomy and is a type of reproductive violence, which is different from sexual violence.

In December 2023, the ICC brought in the revised GBC Policy that defines and clearly differentiates between reproductive and sexual violence. Both of these are a type of gender-based violence and have certain similarities in their motives and impacts, but they are not synonymous with each other.

News at a Glance

The UN Human Rights Office and the UN Support Mission in Libya (UNSMIL) have called for accountability for individuals responsible for human rights violations in Tarhuna, Libya, between 2013 and 2022. In a report released on Friday, the UN highlighted atrocities committed by the Al-Kaniyat militia, including abductions, sexual violence, and killings, which have gone unpunished, exacerbating instability in the region. UN High Commissioner for Human Rights Volker Türk and UNSMIL's Stephanie Koury emphasized the need for justice to prevent further violence. The report urged Libyan authorities to strengthen their prosecution efforts, establish victim protection systems, and cooperate with the International Criminal Court's investigations. The call for action follows previous reports revealing mass graves and atrocities committed by the militia during its control of Tarhuna. For more information, see here.



The release of ICC's revised GBC policy in 2023 shows the ICC's evolving approach to gender-based crimes rectifying past shortcomings as final convictions for these crimes before the ICC have only been reached in the cases of Dominic Ongwen (2021) and Bosco Ntaganda (2019). The new policy highlights the need for a more contextual understanding of when, why, and how gender-based crimes occur during periods of crisis as well as the complex nature of the victim's experiences, who are often exposed to several crimes. To reflect the multi-dimensional survivor experience, the court will where legally possible and supported by evidence, make full and innovative use of the Rome statute to charge the crimes cumulatively, take care of the lesser-known crimes and the reparations to be charged at the later stages for the survivors and their families while carefully considering the cultural stigma faced by them. Moving forward, international law must align domestic legal frameworks with international standards to include specific references to gender-based crimes and abolish immunities and limitation periods related to armed conflict-related gender crimes.

Apart from this, the legal frameworks must constantly evolve to capture emerging forms of gender-based crimes that are facilitated by technologies such as cyberbullying and online sexual harassment.

ICC's tryst with Digital Evidence A Boon or Bane for the Court

- Anuradha Lawankar (III B.A.LL.B)

In the digital age, new technologies and advancements have challenged the existing normative legal institutions. Today a significant source of evidence for the International Criminal Court (ICC) is digital evidence. Digital evidence includes but is not limited to data computation, geospatial imageries, satellite monitoring, and Digital Open Source Information (DOSI). The Court has long struggled to evaluate complex domains beyond its expertise, such as forensics, DNA, and ballistics. Therefore, it becomes even more pertinent for the court to outline its approach to authenticating and verifying digital evidence and address concerns about who qualifies as an expert and the procedures and safety measures they ought to follow. But before understanding the

News at a Glance

The Constitutional Court of South Korea has ruled on the constitutionality of key provisions related to the nation's greenhouse gas (GHG) reduction targets, mandating that the government develop specific emission reduction plans through 2049. The ruling responded to lawsuits initiated by Youth 4 Climate Action and others, who argued that the current GHG targets violate citizens' fundamental rights, particularly those of future generations. The Court found that the absence of specific targets for 2031-2049 violates the principle of adequate protection against future climate risks, ordering the revision of relevant laws by February 2026. The decision, celebrated by activists, is seen as a significant step toward stronger climate policies and could inspire similar legal challenges globally. For more information, see here.



acceptance of digital data as evidence before the court, it is important to first understand the evidentiary standards followed by it.

The Court allows judges to exercise expansive direction to admit evidence as they deem relevant. The Rome Statute is the ICC's founding treaty and is its guiding legal instrument. The Rules of Procedure and Evidence is concerned with the admission and handling of evidence. According to Rule 63(2), judges have the power to decide on any issues that concern authentication and verification of digital evidence. The Court is heavily reliant upon the expertise and discretion to appropriately admit potentially relevant evidence. Unlike the domestic courts, the ICC lacks investigative authority and hence is compelled to accept the flexible approach to admitting evidence. Under Regulation 26, the court directed the establishment of "a reliable, secure, efficient electronic system which supports its daily judicial and operational management and its proceedings." Consequently, the Unified Technical Protocol was created to serve as the technical means for determining the authenticity of

digital evidence. The e-Court Protocol requires all digital files uploaded to the electronic system to be assigned a digital signature that "may be used to verify the authenticity of evidence if it is challenged". Digital signature is a mathematical algorithm used to validate the authenticity and integrity of a message. Oftentimes these signatures are unique to a particular individual or entity and are used to protect and securely authenticate the origin, integrity, and signatory non-repudiation of a digital file.

However, the e-Court Protocol currently uses the MD5 hashing algorithm for these digital signatures, which presents a significant security concern for the court. MD5 was created in 1992, and generates a "hash function", a string of numbers and letters unique to a file or document, which is relatively weak by modern standards as multiple files generate the same hash value leading to a phenomenon known as collusion. The Court's use of MD5 not only makes the authentication of digital evidence technically impossible but also undermines the legitimacy and professionalism of the Court. MD5's well-publicized insecurity negates the extensive

News as a Glance

US authorities announced new sanctions against RT amid sprawling accusations that the state-run media conglomerate has engaged in covert influence operations and election interference on a global scale. The new sanctions apply to several organizations and individuals linked to RT, including Rossiya Segodnya, a news conglomerate established in 2013 in what was broadly seen as a bid by Russian President Vladimir Putin to strengthen his grip on the Russian media following large-scale protests challenging his authoritarian rule. The sanctions freeze any US assets of those targeted and generally bar Americans from dealing with them. The move is part of broader US efforts to counter what it describes as Russia's malign influence operations globally. For more information, see here.



efforts of the Office of the Prosecutor (OTP) and the defense to collect, protect, and submit evidence.

Cryptographic agility allows systems to add new algorithms or features and retire obsolete ones efficiently, while interoperability ensures the ability to exchange information between different systems. This transition is not straightforward, as some legacy systems may not support updates, and users may be unwilling to pay for security upgrades. Balancing cryptographic agility and interoperability is necessary for a more secure electronic filing system, but the challenge remains in handling documents authenticated with MD5 for pending cases. The Court could either require all parties to re-submit evidence under new algorithms, a time-consuming process potentially violating [Article 64\(2\)](#) of the Statute or presume every digital file authenticated with MD5 is inauthentic.

Digital evidence differs significantly from traditional forms, being more susceptible to compromise, forgery, alteration, manipulation, and deletion. Digital evidence today is often born-digital, with no analog document or hardware to refer to for

authenticity. In the trial against Congolese warlord [Thomas Lubanga](#), a VHS tape recording was used to show underage recruitment, supported by the specific formation of the tape. This type of verification is impossible for online videos. The information age has enabled disinformation and misinformation to become commonplace, with belligerent parties in conflicts manipulating digital images and videos to their advantage. For instance, in the recent [Tigrayan conflict](#) in Ethiopia, parties manipulated images by adding flags and weapons, and posting old images from other conflicts, misattributing them to adversaries.

Another challenge is the temporal scope of international criminal cases. Most trials occur years or decades after the initial digital evidence is captured, increasing the risks of data loss and manipulation over time. The court's use of MD5, an outdated algorithm, compounds these risks. Loss of critical evidence [diminishes](#) the court's ability to fulfill its core judicial functions, risking premature acquittals, false accusations, or missed opportunities for justice. However, digital open source investigations, leverage publicly

News as a Glance

A Fulton County, Georgia judge dismissed three charges in the state's 2020 election interference case against Donald Trump and others due to a conflict with federal law. It was found that Counts 14, 15, and 27 in the state's indictment must be dropped because an 1890 US Supreme Court ruling preempts states from prosecuting perjury that occurred in federal courts. Trump's co-defendants attorney sought the dismissal of the entire indictment. However, the Court stopped short of granting the full request, opting to drop only the three charges regarding the filing of false documents with the US District Court for the Northern District of Georgia. Other counts in the indictment, including those related to pressure on Georgia officials—such as Secretary of State Brad Raffensberger—to influence the election results, remain. For more information, see [here](#).



available information and offer promise for more fruitful information and evidence collection and civil society participation. Traditionally, the OTP has relied on NGO reports, but the Court has severely criticized their probative value. Open-source investigations allow civil society actors to play an active role in evidence collection. In 2015, Amnesty International used Google Earth satellite imagery to locate a mass grave in Burundi, countering official narratives.

The Court in the Al-Mahdi case, relied upon internet videos and satellite imagery that were used to charge Ahmad Al Faqi Al Mahdi for cultural heritage destruction, though the evidence's authenticity was never challenged. On the other hand in the case of Prosecutor v. Mahmoud Mustafa Busyf Al-Werfalli, Facebook videos were crucial for issuing an arrest warrant for the murder of 33 people

Improving judges' technological literacy requires leveraging resources like the ICC's Scientific Advisory Board, established in 2014 to assist with investigative and prosecutorial work. However, the Board's focus on forensic sciences overlooks technological issues. The e-Court User Group has played a

ole in improving the e-Court Protocol and could help the Court decide on cryptographic algorithms and achieve algorithmic agility.

The court can no longer ignore the growing need for establishing evidentiary standards for digital evidence. It needs to prioritize robust cryptography measures in its electronic filing system, which effectively replaces the MD5 with a stronger algorithm. An improvement in the algorithmic agility would help in standardizing the e-Court Protocol. A collaborative effort from the judges, the e-Court User Group, and cybersecurity experts can improve the methods for authenticating and verifying the data.

Transgender Rights: Aligning International Human Rights Law with Global Realities

- Mimansa Mishra (III B.A.LL.B)

The growing general awareness of the world regarding LGBTQ+ rights and issues is the driving cause for more inclusive laws. Thus, as we move towards a system of more favourable laws, legal protection for transgender rights has become a crucial issue within International Human Rights Law.

News as a Glance

Russia's Federal Security Service (FSB) revoked the validation of six British diplomats. They claimed the British diplomats were coordinating "the implementation of subversive policy." Earlier this year, UK Prime Minister Keir Starmer announced a multi-year £3 billion military funding package for Ukraine. Since the beginning of Russia's invasion, the UK has been one of the defending nation's largest supporters. Since 2021, it has delivered nearly £12.5 billion in military, humanitarian, and economic support to the defending nation in the form of aid and loans. The UK has yet to respond to the FSB's act of revoking the diplomats' credentials. For more information, see [here](#).



'Transgender' is a broad term used to describe "people whose gender identity is different from the gender they were thought to be when they were born."

International Human Rights Law provides a rather robust framework for the protection of transgender individuals. The Universal Declaration on Human Rights (UDHR), adopted by the United Nations General Assembly (UNGA) under [Article 2](#), ensures all persons entitlement to all rights and freedoms without distinctions of any kind, including sex and other statuses. Furthermore, the International Covenant on Civil and Political Rights (ICCPR) explicitly guarantees equality before law and the right to non-discrimination under [Article 26](#).

In addition to these measures, the [Yogyakarta principles](#) which are based on the application of International Human Rights Law in relation to sexual identification and gender identity, provide specific guidance on protecting the rights of Transgender individuals.

While progressive legal approaches in some countries align with international standards, there also

exist countries whose regressive laws stray from, if not outright defy the principles.

While progressive legal approaches in some countries align with international standards, there also exist countries whose regressive laws stray from, if not outright defy the principles of International Human Rights Law. On one hand, we have countries like Malta with its Gender Identities, Gender Expression and Sex Characteristics [Act](#) of 2015, which establishes a right to gender identity through a simple declaration without the need for medical or physiological certificates. This aligns with the [advocacy](#) of Yogyakarta principles regarding non-intrusive procedures and self-determination. Similarly, the Gender Recognition [Act](#), 2015 of the Irish Government establishes the process for adults to change their legal gender through self-declaration. Hence, countries like Malta, Ireland and even [Denmark](#) have made efforts to enact laws which lie in onsonance with the established principles of International Human Rights Law. On the flip-side, we have countries like Russia with [federal laws](#) on the "Propaganda of Non-traditional Sexual Relations"

New at a Glance

Hungary may seek to file a lawsuit against the European Union for border protection costs if it did not reimburse Budapest for the cost of protecting the Schengen borders. Hungary claims that Hungary spent the equivalent of 2 billion euros on Schengen border protection without recompense from the European Union after the EC reimbursed other Schengen border states. This comes as Budapest instructed its Minister for European Affairs, János Boka, to negotiate with the European Commission (EC) regarding a \$200 million fine imposed in the case *Commission v. Hungary* in 2020. Hungary recently missed the September 4 deadline for paying the judgment. The EC issued a second payment demand to Hungary, setting the deadline for September 17 and threatened to deduct the payment order from Hungary's allocated share of the EU budget. For more information, see [here](#).



to teens, effectively banning any public discussion or representation of transgender issues. Hungary, as well, passed a law in 2020 making it impossible for transgender people to change their legal gender, putting them at risk of harassment, discrimination and even violence. These countries, through their regressive laws, are in violation of their International Law obligations including freedom of expression, the right to recognition before the law, and even equality and non-discrimination.

It consequently becomes evident that while the International Human Rights Law provides protection for the gender non-binary population, the implementation of these principles into national legislation is still lacking for the most part. Interestingly, India's mixed stance with progressive court rulings but flawed implementation exemplifies these global contrasts. The Supreme Court's NALSA v. UOI. The judgement was a watershed moment, recognizing transgender individuals as a third gender and affirming their constitutional rights, aligning clearly with some of the International Law principles, particularly those related to equality and non-discrimination.

However, the subsequent Transgender Persons (Protection of Rights) Act of 2019, while progressive in certain aspects, received criticism for its implementation provision which violates the self-determination principle. Hence, in order for there to be advancement in transgender rights across the world, it is crucial that a robust legal framework paired with effective implementation policies is ensured.

This can only be done by following the International Human Rights Law principles of legal gender recognition based on self-determination, comprehensive anti-discrimination protections and access to gender-reaffirming healthcare. Countries like Ireland, Malta and Denmark exemplify these principles through their laws. Actions have been taken against countries violating international human rights law principles including the condemnation and call for reforms issued by the UN against countries like Russia and the case against Hungary before the European Court of Justice (ECJ) emphasising the EU's commitment to protecting human rights within its member states. These actions, although not as effective,

News at a Glance

Amnesty International has condemned the Libyan Arab Armed Forces (LAAF) in a report for authorizing the Internal Security Agency (ISA) to increase crackdown on dissidents. Amnesty International released a report in 2023, detailing Libyan armed groups' attacks on civilian society, their arbitrary detentions, and violation of human rights. LGBT+ people are detained, women and girls face violence, civilian infrastructure is destroyed, freedom of expression is removed and civilians are wounded, killed, and subjected to forced labor. Armed groups are also committing indiscriminate attacks, which violates Article 51(4) of the Protocol Additional to the Geneva Conventions, which Libya is a state party to, and human rights international law and under Article 33 of the Libyan Code of Criminal Procedure, unlawful detention is prohibited. For more information, see here.



demonstrate the Global effort to enforce International Human Rights Law standards and protect the rights of transgender individuals. Additionally, policies should also incorporate public education systems to tackle the stigma, training the general public as well as public officials to ensure sensitive and knowledgeable treatment of the concerned individuals. Countries, therefore, must create an environment which is in consonance with International Human Rights Law standards. Recognising the right to sexual identity and legal gender recognition affirms the autonomy of trans individuals, ensuring equal access to essential services, protection from discrimination and an overall promotion of well-being.

Legal recognition of gender is therefore crucial in upholding the dignity and rights of transgender individuals under International Law.

Influence of Private International Law on Domestic Legislation

- Yukta Gaikwad (II LL.B.)

Private international law deals with law concerning relations between different countries. If an individual

enters into a contract with a company based in another country, private international law helps determine which jurisdiction's laws will govern the contract. For example, the Foreign Marriage Act ('the Act') that was enforced on 31st August 1969. It covers marriages between Indian citizens and foreigners and combines various international legal standards and procedures and is significant because it contributes towards the development and scope of private international law. It is important to regulate international marital relations, to provide individuals their legal rights and clarity. By offering a framework for resolving conflicts involving cross-border elements — such as foreign parties, foreign laws, or transactions involving multiple jurisdictions— private international law, often known as conflict of laws, has a substantial influence on domestic policy. The effect of Private International Law can also be seen in the areas of arbitration, trade and commerce and many more areas of law.

Performed outside of India between Indian citizens and foreign people are recognized legally under Indian law. The Act

News at a Glance

Several serving and former Australian military commanders have been stripped of medals over allegations of war crimes committed during the Afghanistan war. To date, no Australian veteran has been convicted of a war crime in Afghanistan. The 2020 Breton inquiry found credible information to support "rumors" involving 39 unlawful killings by or at the direction of Australian Special Forces in Afghanistan, as well as additional incidents of cruel or inhuman treatment of non-combatants in possible violation of international humanitarian law. For more information, see [here](#).



provides that in order for two people to get married, they must both be of legal age and mental capacity and have given their consent, according to international norms. Marriages between foreigners are subject to the local laws of the country in which they are consummated. Second, it acknowledges that a marriage ought to be accepted as legal in the country where it takes place, so long as it is not broken. Foreign nationals married to Indian citizens must register their marriage.

This reflects the global emphasis on formalising marriage and obtaining the necessary paperwork for legal recognition. Finally, it ensures that a marriage between an Indian citizen and a foreign national shall be treated equally under Indian law if all legal requirements are satisfied. This statute reduces the legal gap between foreign and Indian laws. By its provisions, the Act aids in the settlement of legal disputes, harmonises Indian legal customs with international standards, and makes it easier to handle foreign weddings legally within the Indian legal system. This helps in settling jurisdictional disputes and legal difficulties that may occur in foreign marriages. Creating

processes for the registration and approval of foreign marriages advances the field of international private law and brings Indian customs into line with international norms. This harmonises worldwide legal norms by making it clear which country's laws apply to certain parts of the marriage, like property rights, divorce, and inheritance. The concepts of legal equality are also reflected in the Act. The Act acknowledges that foreign weddings are legal as long as they adhere to the principles of Indian marriage law in order to address legal issues.

However, the adoption of Private International Law requiring the conversion of abstract ideas of private international law into real domestic legislation can be challenging. A few examples are, domestic courts refusing to apply foreign law if it is found to be adverse to domestic public policy and differing interpretations by courts in various jurisdictions as seen in the case Renusagar Power Co, Ltd v. General Electric Co.(1994). The case involved the issue regarding whether the Foreign Awards (Recognition and Enforcement) Act, 1961 permits General Electric to enforce the

News at a Glance

The UN Security Council unanimously decided on Wednesday to extend its longstanding sanctions against Sudan by adopting Resolution 2750. This extension, set under Chapter VII of the UN Charter, prolongs the sanctions for an additional year. The resolution, stipulates that the sanctions including asset freezes, travel bans, and an arms embargo will remain in effect until September 12, 2025, with a further review to be conducted no later than that date. For more information, see [here](#).



foreign arbitral award in India or if doing so would go against Indian public policy. The Supreme Court of India upheld the enforcement of the foreign arbitral award in favour of General Electric. The court ruled that when it comes to the execution of international arbitral rulings, the term "public policy" should be interpreted narrowly. It decided that the only things that would be deemed against public policy grounds if it went against India's international public policy, which covers more than simply local economic or regulatory considerations. This includes larger values of justice and fairness.

Examples from the United States of America can be considered too, wherein domestic legislation was drafted with the aim of making international trade an uncomplicated process. The Foreign Trade (Development and Regulation) Act 1992, and the Trade Act of 1974 are various legislation where convergence of domestic legislation with Private International Law can be seen. When it comes to trade agreements between two foreign countries it is important for the countries to follow the norms and agreements of the respective countries. There should not be a violation of law

which leads to any illegal trade contract. The Foreign Trade (Development and Regulation) Act, 1992, which governs import and export policies, trade agreements, tariffs, and non-tariff trade obstacles, has a substantial impact on U.S. businesses and trading relations with India and it also seeks to advance India's economic interests.

Private International Law provides clear principles for determining which country's laws apply in international conflicts. When there is legal clarity, parties are better equipped to understand their rights and obligations and anticipate the legal repercussions of their actions. By creating standards to address conflicts between different legal systems, private international law aims to ensure that parties receive equal treatment and justice regardless of their country or the jurisdiction in which a dispute begins. Given the complexities of international connections, Private International Law assists countries in harmonising their laws, resulting in smoother legal processes and minimising the likelihood of conflict. Principles of Private International Law have also helped in modifying the scope of

Upcoming Activities

Goettingen Journal of International Law Student Essay Competition: The UN Mechanisms in Times of Global Crisis:

The Goettingen Journal of International Law (GoJIL) is dedicating its 12th Student Essay Competition to the topic "The UN Mechanisms in Times of Global Crisis". GoJIL is a student-led academic law journal focused on International Law. The journal includes a double-blind-peer-review and open access publication, to ensure free and qualitative research. The Essay Competition is open to students (including early doctoral students). The winning submission will be published in an upcoming issue of GoJIL along with articles of renowned scholars of international law. For more information, see [here](#).



commercial contracts. Private International Law has significantly contributed to reforming and making laws consistent and flexible.

Upcoming Activities

Call for Papers: The Diversification of Civilian Agency in Armed Conflict:

Recent conflicts have seen states increasingly rely on alternative actors. Civilians, including corporate actors, are playing an increasingly active role in national defence doctrines. In a similar fashion, more states have adopted concepts such as total defence doctrines and resilient societies. On 28 February 2025, the War Studies Research Centre is hosting a conference on the international legal consequences of this increased use of civilian and corporate actors during armed conflict. The conference will be hosted in Amsterdam, at the Marine Establishment. The deadline for abstracts is 1 November 2024. For more information, see [here](#).

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